

REMARKS

Claims 1-6, 8-14, and 21-30 are currently pending in this application. Claims 1, 8-9, 11, 22-25 have been amended. New claims 28-30 have been added. No new matter has been added. Reconsideration of the pending claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claim 9 because “[t]here is insufficient antecedent basis.” Page 2 of the Office Action. The Applicant amended claim 9 and, thus, the rejection should be overcome.

The Office Action rejects claims 11 and 22-24 “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Page 2 of the Office Action. The Applicant amended claims 11 and 22-24 to further clarify the claimed language. Specifically, the Applicant amended claim 11 to recite, *inter alia*, “said wall structure includes a top surface, a bottom surface, and two opposing side surfaces, a space between said top and bottom surfaces being an input light guide height and said light transmission segment has a top surface, a bottom surface, and two opposing side surfaces, a space between said top and bottom surfaces being a light transmission segment height, said light transmission height being greater than said input light guide height.” Thus, the Applicant believes that the Section 112, second paragraph, rejection on claim 11 should be withdrawn.

The Applicant amended claim 22 to recite “said main cavity portion and said venting cavity being defined by a bottom surface opposing said lid and two opposing staggered side surfaces, said main cavity portion having a width between a portion of said two opposing staggered side surfaces of about 0.007 inches.” The Applicant also amended claim 23 to recite “said main cavity portion and said venting cavity being defined by a bottom surface opposing said lid and two opposing staggered side surfaces, said venting cavity having a width between a portion of said two opposing staggered side surfaces of about 0.003 inches or narrower.” The Applicant amended claim 24 to recite “said main cavity portion and said venting cavity being defined by a bottom surface opposing said lid and two opposing staggered side surfaces, said main cavity portion having a width between a first portion of said two opposing staggered side surfaces of about 0.005 inches and said venting cavity having a width between a second portion

of said two opposing staggered side surfaces of about 0.002 inches.” Thus, the Applicant also believes that the Section 112, second paragraph, rejections on claims 22-24 should be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Independent Claim 1

Amended independent claim 1 recites, *inter alia*, (1) “an input reflector coupled with said input light guide for forming a portion of an optical communication path”; (2) “an output light guide coupled with said output reflector for forming a portion of said optical communication path”; and (3) “at least one of said input light guide and said output light guide has a wall structure to assist in guiding light along said optical communication path, said wall structure including an open end and an enclosed end, said enclosed end being coupled with said input reflector or said output reflector for forming a portion of said optical communication path.” (emphasis added) Both U.S. Patent No. 4,803,992 to Lemelson and EP 0254246 A2 to Meserol fail to disclose, teach, or suggest a format with such elements.

Lemelson fails to disclose, teach, or suggest an input reflector coupled with an input light guide for forming a portion of an optical communication path. Lemelson also fails to disclose, teach, or suggest an output light guide coupled with an output reflector for forming a portion of an optical communication path. Rather, Lemelson discloses that one end of a light pipe 22 is connected to a lens 23 and fixed in an interior bulkhead or wall 12S. Lemelson Column 3, Lines 49-54; Column 4, Lines 27-29. Thus, Lemelson discloses the light pipe 22 enclosed in a bulkhead and not coupled with an input reflector as recited in claim 1. Moreover, FIG. 1 of Lemelson shows that the one end of the light pipe 22 that is connected to lens 23 is not coupled to reflecting surface 14. Similarly, Lemelson discloses that one end of light pipe 28 is connected to a receiving lens 29. Lemelson Column 4, Lines 38-39. For the same reasons, light pipe 28 is not coupled to an output reflector as required in claim 1.

Lemelson also fails to disclose, teach, or suggest an input light guide or an output light guide having an enclosed end coupled with the input reflector or the output reflector as recited in claim 1. Rather, Lemelson discloses that one end of light pipe 22 is connected to a lens 23 and fixed in an interior bulkhead or wall 12S. Lemelson Column 3, Lines 49-54; Column 4, Lines 27-29. Lemelson also specifically discloses that the other end of the light pipe 22 is connected to a source of light, such as a laser. Lemelson Column 4, Lines 38-42. Thus, neither end of the

Lemelson light pipe 22 is an enclosed end coupled to an input reflector or an output reflector as recited in claim 1. *See* Lemelson FIG. 1.

Similarly, Lemelson discloses a flexible light pipe 28 having one end that is connected to a receiving lens 29 and the other end that is coupled to a photoelectric detector. Lemelson Column 4, Lines 38-42. Thus, neither end of light pipe 28 is an open end nor an enclosed end coupled with an input reflector or an output reflector as recited in amended claim 1. *See* Lemelson FIG. 1.

Meserol also fails to disclose, teach, or suggest a wall structure to assist in guiding light along said optical communication path, said wall structure including an open end and an enclosed end, said enclosed end being coupled with said input reflector or said output reflector for forming a portion of said optical communication path as recited in claim 1. Rather, Meserol discloses a cuvette 10 having a closed wall 18. *See* FIGs. 2, 4-6. The closed wall 18 is a solid piece of material and does not include a wall structure with an open end and an enclosed end as recited in claim 1. Additionally, the Meserol wall 18 is not coupled with an input reflector or an output reflector as recited in amended claim 1.

Therefore, for at least these reasons, independent claim 1, as amended, is not anticipated by or rendered obvious over Lemelson, Meserol, or the combination thereof.

Independent Claims 8 and 25

Amended independent claims 8 and 25 recite, *inter alia*, “at least one of said input light guide and said output light guide has a wall structure to assist in guiding the light along an optical communication path, said wall structure including an open end and an enclosed end, said enclosed end being coupled with said input reflector or said output reflector for forming a portion of said optical communication path.” Thus, for at least the same reasons as discussed above in relation to claim 1, independent claims 8 and 25 are not anticipated by or rendered obvious over Lemelson, Meserol, or the combination thereof.

Dependent Claims 2-7, 9-24, and 26-27

Dependent claims 2-7, 28; 9-24, 29-30; and 26-27 depend from independent claims 1, 8, or 25 respectively. Thus, for at least the same reasons discussed above, in relation to independent claims 1, 8, and 25, dependent claims 2-7, 28; 9-24, 29-30; and 26-27 are not anticipated by or rendered obvious over Lemelson, Meserol, or the combination thereof.

Additionally, dependent claims 22-24, which depend from independent claim 8, respectively recite, *inter alia*, “said main cavity portion and said venting cavity being defined by a bottom surface opposing said lid and two opposing staggered side surfaces, said main cavity portion having a width between a portion of said two opposing staggered side surfaces of about 0.007 inches”; “said main cavity portion and said venting cavity being defined by a bottom surface opposing said lid and two opposing staggered side surfaces, said venting cavity having a width between a portion of said two opposing staggered side surfaces of about 0.003 inches or narrower”; “said main cavity portion and said venting cavity being defined by a bottom surface opposing said lid and two opposing staggered side surfaces, said main cavity portion having a width between a first portion of said two opposing staggered side surfaces of about 0.005 inches and said venting cavity having a width between a second portion of said two opposing staggered side surfaces of about 0.002 inches.”

Both Lemelson and Meserol both fail to disclose, teach, or suggest a format with such elements. For example, Lemelson and Meserol fail to disclose, teach, or suggest a main cavity portion and a venting cavity defined by “a bottom surface opposing said lid and two opposing staggered side surfaces.” Rather, Lemelson discloses “an indentation or cavity 16 having a somewhat cylindrically shaped circumscribing side wall 17 containing laterally opposed and aligned flat wall portions 17A and 17B which define windows” Lemelson Column 3, Lines 64-67. Additionally, Meserol, discloses a cavity 22 defined by a “generally T-shaped closed wall 18 includ[ing] a cross-bar portion” Meserol Column 6, Lines 11-12. Thus, for the reasons discussed above in connection with independent claims 1, 8, and 25, and for these additional reasons, dependent claims 22-24 are not anticipated by or rendered obvious over Lemelson, Meserol, or the combination thereof.

CONCLUSION

The Applicant submits that the claims are in a condition for allowance and action toward that end is earnestly solicited. It is believed that no additional fees are due; however, should any fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from the Nixon Peabody Deposit Account No. 50-4181 (247082-000036USPT).

Respectfully submitted,

July 22, 2008

Date

/John C. Gatz, Reg. No. 41,774/

John C. Gatz

Registration No. 41,774

NIXON PEABODY LLP

161 North Clark Street, 48th Floor

Chicago, Illinois 60601

(312) 425-3900 - Telephone

(312) 425-3909 – Facsimile

ATTORNEY FOR APPLICANT